

Remarks

In the Office Action dated September 3, 2009, a Restriction/Election was made, requesting that Applicant elect either Group I (consisting of claims 1-11 and 16) or Group II (consisting of claims 12-15). Applicant elects the claims identified under Group I (claims 1-11, 12-14 as amended and 16) with traverse. Applicant respectfully submits that the rationale used in support of the restrictions does not comply with the rules and guidelines set forth in the M.P.E.P. Applicant submits that the restrictions should be withdrawn.

The Office Action asserts that the inventions of Groups I and II are related as subcombinations as usable together in a single combination and that both inventions may be implemented separately from one another. Specifically, the Office Action asserts that the invention of Group I “discloses the upgrading of software for the system in an independent fashion” and the invention of Group II “includes the implementation and use of various protocols to employ different network functionalities.”

Applicant traverses for lack of compliance with the restriction guidelines in the M.P.E.P. and because no basis has been provided to support the separate use conclusion in the Office Action.

Notwithstanding, Applicant has amended claim 12 to comport to the scope presented in the Office Action.


Accordingly, Applicants respectfully requests that the Examiner withdraw the present restriction requirement(s) for examination of all the claims.

In view of the above, Applicant believes that each of the rejections is improper and should be withdrawn and that the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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